

# OCALA EVENING STAR

Volume IV.

OCALA, FLORIDA, SATURDAY, MARCH 4, 1899

Number 213

## WET OR DRY

**Judge Enlock Tells His Side of the Story**

The result of the habeas corpus rests upon a legal question. My construction of the law is this:

First. The constitution, Art. xix, requires that the local option election should be under the general election law.

Second. The act of 1897 makes the certificate of the county canvassing board prima facie evidence of the regular calling and holding of the election.

Third. The general election law creates the county canvassing board and there is no other county canvassing board.

Fourth. The county canvassing board as created is composed of the supervisor of registration, county judge and the chairman of the board of county commissioners, or in his absence or sickness, some other member of the board.

Fifth. The certificate of the county commissioners, who are not the county canvassing board as created by the general election law, is not evidence, because they are not the board designated by the act of 1897, to wit: County canvassing board, whose certificate is prima facie evidence.

There were other legal grounds relative to the ballot. I contend that the election was a "public measure," and the general election law requires that all public measures, submitted to a vote of the people, "shall be twice repeated on the ballot." This was not done.

All of these positions the court overruled.

On the question of the count of the names take the position that when the name presented on the petition is materially different from the registration book that you cannot count that name unless the state in rebuttal shows that, though a different name, they are, in fact, the same person. For instance, if the name on the petition is "Tex" Martin, the supervisor of registration is asked if such name is on the books as a registered voter, and he answers "no." Then as to this one name the prima facie character of the certificate is overcome, and it is incumbent on the state to produce evidence in rebuttal, and show that "Tex" Martin is a registered voter, on the books under the name of Geo. W. Martin; in other words, to identify "Tex" Martin, not registered, to be G. W. Martin, who is registered. The reason is that there is no power in the court to assume that "Tex" Martin and G. W. Martin are one and the same man. If this is

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## Teachers' Meeting

The county teachers' meeting was fairly well attended, but great disappointment was experienced by Dr. Forbes' detention by sickness. Those who read papers and spoke were Miss Sarah Bull, Mrs. Ross, Miss Yancey, Professor Russell and Hon. W. K. Zewadski. Particulars Monday.

### Best of All

To cleanse the system in a gentle and truly beneficial manner, when the Springtime comes, use the true and perfect remedy, Syrup of Figs. Buy the genuine. Manufactured by the California Fig Syrup Co. only, and for sale by all druggists, at 50 cents per bottle.

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### Kindergarten Meeting

The Kindergarten mother's meeting will take place Tuesday afternoon, March 7. The subject will be "The Child as a Citizen." Members and friends are cordially invited.

MRS. GEORGE MACKAY,  
Secretary.

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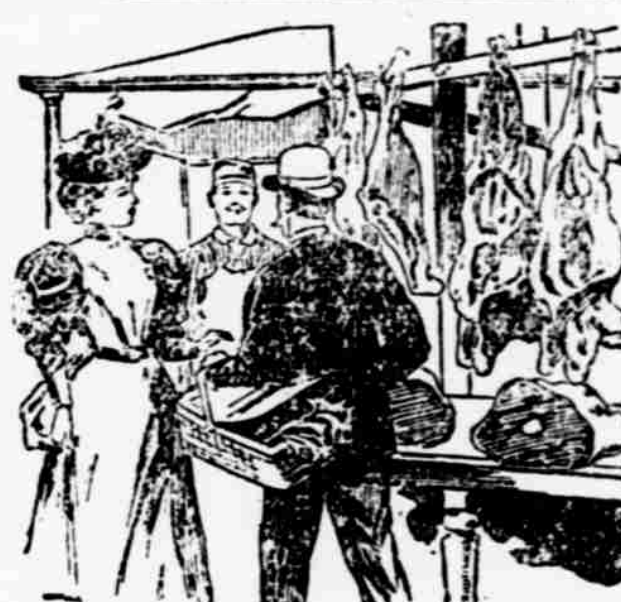
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